

#72

Practitioner's Docket No. B-3472DVL/PCT 619164-7

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Colin LOW, et al.

Application No.: 10 / 052,305  
Filed: January 18, 2002

Group No.: 2664

For: "Method and Apparatus  
For Determining..."

Examiner: William A. Luther

JUN 24 2004

Date of mailing "Notice of Allowance and  
Base Issue Fee Due" 4/19/04  
Conf. No. 1366

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JUN 24 2004

OFFICE OF PETITIONS

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450PETITION FOR WITHDRAWAL FROM ISSUE—ISSUE FEE PAID  
(37 C.F.R. § 1.313(c))

NOTE: "Any petition filed under 37 C.F.R. 1.313(b) to withdraw an application from issue after payment of the issue fee should be clearly marked "Petition under 37 C.F.R. 1.313(b)" and be wither submitted by facsimile or hand-carried to the Office of Petitions (see M.P.E.P. § 1730 for the facsimile number and location)." M.P.E.P., § 1308, 8th Edition.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
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I hereby certify that, on the date shown below, this correspondence is being:

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☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
37 C.F.R. § 1.8(a)☐ with sufficient postage as first class mail.

## 37 C.F.R. § 1.10 \*

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## TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (703) 872-9306Date: 6/24/04

Signature

Suzanne Johnston

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page \_\_\_\_ of \_\_\_\_)

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**NOTE:** In the Notice of May 9, 2000 "Patents to Issue within Twelve Weeks after Satisfaction of All Outstanding Requirements, Including Issue Fee Payment and Corrected Drawings" [OG. May 9, 2000, page 39] the PTO pointed out the following:

The USPTO implemented the new patent publication system. . . . Under this current patent publication system, the electronic capture of most of the information to be printed on the patent begins soon after the allowed application is received in the Office of Patent Publication, in advance of the satisfaction of outstanding requirements, i.e., issue fee and drawings. The application file is not available for any further processing during this initial electronic capture process. In order to implement the new publication system efficiently, the USPTO encourages applicants to take steps to minimize disruptions in the printing process. The USPTO encourages applicants to file items such as amendments, information disclosure statements, petitions, and corrected or formal drawings as soon as possible during examination of patent applications instead of during the post-allowance time frame. If papers are filed after allowance, please allow at least six weeks after the Notice of Allowance and Issue Fee Due has been received before inquiring about any post allowance correspondence.

### PETITION

1. Applicant hereby petitions for the withdrawal of this application from issue.

### PATENT ISSUE FEE

2. The issue fee for this case has been paid on June 3, 2004

(complete the following if known)

This application is scheduled to

- ☐ issue on \_\_\_\_\_
- ☐ as patent \_\_\_\_\_

### REASON(S) FOR WITHDRAWAL REQUEST

**NOTE:** "Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except (1) Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable; (2) Consideration of a request for continued examination in compliance with § 1.114; or (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application." 37 C.F.R. § 1.313(c).

3. The reason for the request for withdrawal from issue is:

(check applicable item(s) below)

- (a) ☐ one or more of the claims are unpatentable.
- (b) ☒ consideration of a request for continued examination under § 1.114. (SEE ENCLOSED)
- (c) ☐ for express abandonment to permit consideration of an information disclosure statement under § 1.97 in a continuing application.
- (d) ☐ for express abandonment in favor of a continuing application.

Further details as to the reason(s) for this withdrawal request are set forth on the attached \_\_\_\_\_ sheet(s).

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page \_\_\_\_\_ of \_\_\_\_\_)

**AMENDMENT**

**NOTE:** Any amendment accompanying a petition to withdraw an application from issue should comply with the requirements of § 312 (Amendment after allowance).

4. ☐ Accompanying this petition is an amendment.

**PETITION FEES****5. PETITION FEES** (37 C.F.R. § 1.17(h))

The fee set forth in § 1.17(h), required by 37 C.F.R. § 1.313(a), is paid as follows:

- ☐ Attached is a ☐ check ☐ money order in the amount of \$ \_\_\_\_\_  
☒ Authorization is hereby made to charge the amount of \$ 130.00  
☒ to Deposit Account No. 12-0415  
☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

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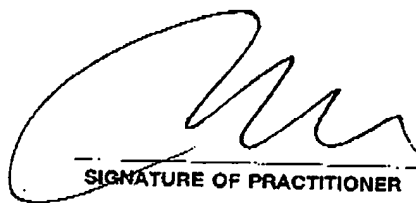
- ☐ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

6/24/04  
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SIGNATURE OF PRACTITIONER

Richard P. Berg

(type or print name of practitioner)

LADAS & PARRY, 5670 Wilshire Blvd., Ste. 2100  
P.O. Address

Los Angeles, CA 90036-5679

Plus \_\_\_\_\_ Added Pages

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page \_\_\_\_\_ of \_\_\_\_\_)